

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

United States of America, for the use and  
benefit of Gregg Chambers & Sons, LLC,

Plaintiff,

v.

Travelers Casualty and Surety Company of  
America, et al.,

Defendants.

Case No.: 2:13-cv-400-JAD-CWH

**Order Granting Plaintiff's Motion for  
Leave to Amend Its Complaint [Doc. 40]**

Plaintiff United States of America for the use and benefit of Greg Chambers & Sons, LLC, ("GCS") filed this suit against Defendant Granite Petroleum, Inc. on March 8, 2013, alleging contractual breaches from a construction project on federal property. Doc. 1.<sup>1</sup> On July 16, 2013, GCS moved to amend its Complaint against Granite to add "a claim for relief for [Granite's] violation of the Federal Prompt Pay Act," 31 U.S.C. § 3905. Doc. 40 at 2. Granite's response points out that although GCS did not contact it to request a stipulation prior to requesting leave to amend, "[g]iven the early stages of the case and the absence of prejudice to Granite . . . Granite . . . stipulates that leave be granted." Doc. 41 at 1.

Fed. R. Civ. Proc. 15(a) provides that when an pleading amendment is sought after the 21-day deadline for filing as a matter of course, "a party may amend its pleading only with

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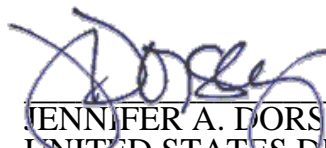
<sup>1</sup> There is no record of a Summons ever being returned executed as to Granite, although one was issued on March 8, 2013. Doc. 1. In any event, Granite answered the Complaint on April 17, 2013.

1 the opposing party's written consent or the court's leave. The court should freely give leave  
2 when justice so requires." Rule 15(a)(2). Although GCS did not technically obtain a  
3 *stipulation* from Granite prior to filing its motion, Granite's response voluntarily stipulates to  
4 granting of leave. The Court's evaluation of GCS's filing reveals no reason that the proposed  
5 amended complaint should not be allowed.

6 Accordingly, based upon the foregoing reasons and with good cause appearing and no  
7 reason for delay,

8 It is **HEREBY ORDERED** that GCS's Motion for Leave to Amend Its Complaint  
9 [Doc. 40] is **GRANTED**. GCS is directed to file its Amended Complaint within 10 days of  
10 this Order.

11 DATED: January 16, 2013.

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14 JENNIFER A. DORSEY  
15 UNITED STATES DISTRICT JUDGE  
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